



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARVIN L. SCHURKE, Executive Director

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MINUTES

May 11, 2004

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Second Floor Conference Room, 711 Capitol Way, Olympia, Washington. Those present and participating were:

Marilyn Glenn Sayan, Chairperson
Joseph W. Duffy, Commissioner

Marvin L. Schurke, Executive Director
Majel C. Boudia, Confidential Secretary
Mark S. Downing, Compliance Officer

Mr. Schurke reported that Commissioner Bradburn had telephoned earlier in the morning to say that she was ill, and would not be able to attend the meeting.

Also present and participating:

Eric Nordlof, Public School Employees of Washington

MINUTES OF PREVIOUS MEETINGS

The minutes of the meeting held on April 13, 2004, were approved at this meeting.

REPORT OF THE EXECUTIVE DIRECTOR

1. Case intake for April was identical to March, with 105 cases filed. We are on track with the previous year on intake.
2. Case closures for April were almost the same as March, with 121 cases closed. We are closing more than last year with the addition of new staff members.



3. There were 575 cases pending at the end of April. Although the intake, closure and pending case statistics do not appear to add correctly, that is often due to late changes after the report is run. Mr. Schurke indicated the statistics are re-run and adjusted at the end of each fiscal year.
4. Mr. Schurke reviewed the open case aging statistics. Cases 90 days old dropped below the average of fiscal year 2003. Cases 180 days old remained above the previous year. Cases 360 days old increased during the last four months.
5. The management team met on May 4th and worked on rebalancing the team case loads.
6. A large number of dormant cases involving the Washington State Department of Corrections were withdrawn and closed after Teamsters Local 117 was certified as exclusive bargaining representative. One case was found that should have been processed, and it has been assigned.
7. The entire professional staff and some of the support staff participated in a two-day writing seminar last week. Professor Elizabeth Francis of the National Judicial College endorsed an issue-oriented (rather than contentions-oriented) approach as yielding a smoother flow in decisions. Two groups of staff members are reviewing/revising selected older agency decisions, using the new technique.
8. The "Red List" of cases ready for decision more than 90 days was reviewed. Hearing Officer Sally Carpenter is actively working on the only case on the list: *City of Seattle*, Case 17882-E-03-2888. It should issue in 7 to 10 days.
9. The "Yellow List" of cases ready for decision 46 to 89 days was reviewed. Staff members are actively working on the two cases on that list: *King County*, Case 17346-U-03-4478, and *King County Fire District 10*, Case 17201-C-03-1076.
10. Mr. Schurke reported that the Olympia office is to move on Friday, May 28, 2004, and over the Memorial Day weekend. The Commission members reviewed a notice to clientele (with map) which will be included in all out-going mail up to the day of the move. Agency operations will be disrupted during the move. Since all agency telephones are directly linked to the Olympia office, telephone service in the Kirkland office may be disrupted on May 28. One support staff member will be on-duty at the old Olympia office (with a date stamp in hand) to receive any walk-in filings. The new office should be operational on Tuesday, June 1, 2004.

11. The Commission reviewed a note from Rob Hall, thanking Karyl Elinski for speaking at the Washington Public Employer Labor Relations Association chapter meeting on March 19, 2004.

COMPLIANCE DOCKET

Richland School District, Case 15435-U-00-3903.

This case was held over from the April meeting. Compliance Officer Mark S. Downing reviewed the letter filed by the employer on April 26, and indicated no problems have been identified. The Commission unanimously accepted the compliance. The case will now close.

Western Washington University, Case 16507-U-02-4267.

Mr. Downing reviewed the case. On April 27, 2004, Val Berry filed a tender of compliance on behalf of the employer, describing the actions taken and enclosing the signed notice. On May 10, 2004, Eric Nordlof of PSE filed a letter challenging the sufficiency of compliance, both as to the posting of the compliance notices and as to the reading of the notice at an executive session of the board of trustees. Later on May 10, Val Berry sent an e-mail indicating that the notice will be read at the public meeting of the Board of Trustees scheduled for June 11, 2004. Mr. Nordlof answered questions from the Commission. He acknowledged that the notice has been posted on two bulletin boards, but he asked that the notice be posted on about 30 employee bulletin boards around the campus. The matter was held over to July, because of the delay in reading the notice into the minutes of a public meeting in June.

COURT DOCKET

City of Anacortes, Case 14629-U-99-3665.

Mr. Schurke reviewed the history of the case, where the Commission had denied the union's request for enforcement on the basis that the union was asking for remedies not contemplated by the order. In an enforcement proceeding initiated by the union, the court has issued its order affirming the Commission's decision.

Snohomish County PUD, Cases 15544-U-00-3932 and 15709-U-01-3979.

The parties to these cases have signed an order of dismissal and stipulated to their settlement. Their settlement includes dispensing with the posting of notices and reading the compliance notice into the minutes of a public meeting. The Commission had previously indicated its acceptance of the settlement.

Whatcom County, Cases 16515-E-02-2741, 16733-E-02-2762, 16734-E-02-2763, 16735-E-02-2764, and 16736-E-02-2765. Mr. Schurke reviewed the history of these cases, which involved dismissal of representa-

tion petitions for overlapping bargaining units. The Thurston County Superior Court issued its decision on April 23, 2004, affirming the Commission's decision and validating the rule on which it was based. The union filed a Motion for Reconsideration on May 10, 2004, claiming the Court had been misled about a union discovery request that was not mentioned as a basis for the decision. Mr. Schurke will have Assistant Attorney General Spencer Daniels keep the focus on the actual basis for dismissal.

Port of Seattle, Case 15114-U-00-3814.

Mark Downing reviewed the history of the case, which involved contracting out of security work at the cruise ship terminal. The Commission reversed an Examiner decision and dismissed the union's complaint, and the Superior Court affirmed the Commission. The union appealed to the Court of Appeals on April 15, 2004, arguing factual issues. There appears to be no reason for PERC involvement in the appellate court, since there is no attack on the agency's procedure or processing of the case.

COMMISSION DOCKET

The Commission docket was reviewed in detail, and the status of each case was discussed.

OTHER BUSINESS

Mr. Schurke noted that attendees at the 2004 Association of Labor Relations Agencies (ALRA) conference in July at Halifax, Nova Scotia, Canada, would be: Chairperson Marilyn Glenn Sayan, Executive Director Marvin Schurke, LRAMs Starr Knutson and Karyl Elinski, and Field Services Managers Fred Rosenberry and Katrina Boedecker. Mr. Schurke also noted that all of those attending had agreed to work on the 2005 ALRA Conference, which the Commission is hosting in Seattle in July of 2005. The Commission unanimously approved that list of attendees.


Business Manager James Lohr asked the Commissioners to submit their compensation requests and travel expenses as soon as possible, along with any ALRA registration forms and personal checks for any guest expenses associated with the ALRA conference.

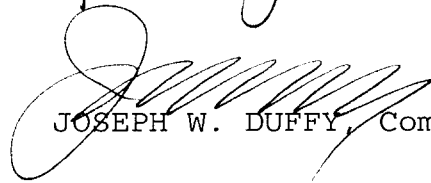
Mr. Schurke announced there was no Legislative Report for this meeting. The Legislature adjourned on-time in March, and the item had been left on the agenda inadvertently after the April meeting of the Commission.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


JOSEPH W. DUFFY, Commissioner

PAMELA G. BRADBURN, Commissioner

ATTEST:


MARVIN L. SCHURKE, Executive Director